

Decision 12-11-009 November 8, 2012

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Investigation on the Commission's Own Motion into the Operations and Practices of Pacific Gas and Electric Company's Natural Gas Transmission Pipeline System in Locations with High Population Density.

Investigation 11-11-009  
(Filed November 10, 2011)

**ORDER EXTENDING STATUTORY DEADLINE**

**Summary**

This decision extends the statutory deadline in this proceeding to November 10, 2013.

**Background**

Public Utilities (Pub. Util.) Code § 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of the date that they are initiated unless the Commission makes findings as to why that deadline cannot be met and issues an order extending that deadline. This matter has been categorized as adjudicatory and the 12-month deadline for its resolution is November 10, 2012.

On September 7, 2012, the Consumer Protection and Safety Division (CPSD) filed two coordinated motions in Investigation (I.) 12-01-007, I.11-02-016 and I.11-11-009 requesting (1) leave to serve additional prepared testimony regarding Pacific Gas and Electric Company's (PG&E) financial resources in the proceeding and (2) permission to file a single coordinated brief regarding fines and remedies in these proceedings. This request was granted by the assigned

Administrative Law Judges (ALJ) in a joint ruling on September 25, 2012. This joint ruling set the schedule for post-hearing briefing for the three proceedings and established a separate briefing and hearing schedule to consider the issue of PG&E's financial resources jointly in I.12-01-007, I.11-02-016 and I.11-11-009.

Subsequently, on October 5, 2012, CPSD filed a coordinated motion in the above investigations, as well as in Rulemaking (R.) 11-02-019, requesting to suspend all procedural dates and activities in the proceedings in order to facilitate good-faith negotiations among the parties toward a stipulated outcome. This motion was granted in part in a joint ruling by the assigned ALJs in I.12-01-007, I.11-02-016 and I.11-11-009 on October 11, 2012.<sup>1</sup> Based on the revised schedule in the October 11 ruling, the last date for evidentiary hearings (EH) is now January 8, 2013.

Based on the current schedule, the last date for EH in this proceeding is well past the 12-month statutory deadline. Therefore, an extension of the statutory deadline is reasonable to allow for the conclusion of the EH, adequately provide for post-hearing briefing, and to issue a decision on the case. The extension is also necessary because of the possibility that one of the parties would file an appeal of the decision within the 30-day period provided for such appeals in Rule 14.4(a) of the Commission's Rules of Practice and Procedure or that a Commissioner will file a request for review of the decision within the 30-day period provided for such requests in Rule 14.4(b). Because of these

---

<sup>1</sup> Disposition of CPSD's motion in R.11-02-019 was addressed in a separate ALJ ruling on October 12, 2012.

circumstances, we conclude that it is appropriate to extend the 12-month deadline in this case to November 10, 2013.<sup>2</sup>

### **Waiver of Comment Period**

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of proposed decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to this rule, the otherwise applicable period for public review and comment is waived.

### **Assignment of Proceeding**

Michel Peter Florio is the assigned Commissioner and Amy C. Yip-Kikugawa is the assigned ALJ in this proceeding.

### **Findings of Fact**

1. This proceeding was initiated on November 10, 2011.
2. Based upon the statutory deadline, this proceeding must be resolved within 12 months of its initiation, unless this date is extended.
3. An extension of the 12-month deadline is necessary in order to conclude the scheduled EH, provide fair opportunity for post-hearing briefing, and to issue a decision on this case. The extension is also necessary to provide the parties time to decide whether to file an appeal of the decision within the 30-day period provided for such appeals in Rule 14.4(a) of the Commission's Rules of Practice and Procedure, and allow any Commissioner to decide whether to request review of the decision within the 30-day period provided for such requests in Rule 14.4(b).

---

<sup>2</sup> We extend the deadline by 12 months as a matter of standard practice.

**Conclusions of Law**

1. The 12-month statutory deadline imposed by Pub. Util. § 1701.2(d) should be extended to November 10, 2013.
2. This order should be effective immediately.

**IT IS ORDERED** that the 12-month statutory deadline in this proceeding is extended to November 10, 2013.

This order is effective today.

Dated November 8, 2012, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
TIMOTHY ALAN SIMON  
MICHEL PETER FLORIO  
CATHERINE J.K. SANDOVAL  
MARK J. FERRON  
Commissioners